

EXHIBIT B

ORIGINAL

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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2 ELIEZER LOPEZ AND SUHAIL LAUREANO,

3

PLAINTIFFS,

4

5 -against-

Case No.:
17-CV-00181 (LAP)

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7 LUIS LINARES,

DEFENDANT.

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9

10 DATE: MAY 30, 2019

11 TIME: 10:20 A.M.

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14 DEPOSITION of an expert witness, ELAINE J.
15 CHIU, taken by the Defendant, pursuant to Subpoena and to
16 the Federal Rules of Civil Procedure, held at the New York
17 City Law Department, 100 Church Street, New York, New York,
18 10007, before Naomi Katz, a Notary Public of the State of
19 New York.

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21 Control #: 19-1763

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E. J. CHIU

1 Q. Yes, we can discuss it along the way and I'll
2 make a copy at our break.

3 A. It's in reverse chronological order, so the first
4 two.

5 Q. So I've just looked at the exhibit that you
6 have --

7 A. Correct.

8 Q. -- which is the more up-to-date copy of your list
9 of testimony. So other than Broussard versus Simon and
10 Whitton versus River Cats, the two documents that we have
11 are the same, correct?

12 A. Yes, they are.

13 Q. Now, I want to ask you about the cases in which
14 you've testified as an expert.

15 A. Sure.

16 Q. So starting with the first one, Broussard versus
17 Simon --

18 A. Yes.

19 Q. -- where was that lawsuit located?

20 A. The suit itself was located in Louisiana. I was
21 deposed in California.

22 Q. What was the nature of that case?

23 A. Just as a clue, the bold print on which side of
24 the V is the case that the attorneys that I worked for. So
25 as you look at the first column, you could tell whether I

E. J. CHIU

1 was a plaintiff or defense.

2 Q. So in that case, who were you testifying for?

3 A. Mr. Broussard's family.

4 Q. And he was the plaintiff?

5 A. Correct.

6 Q. What the nature of that case?

7 A. That case was a head-on collision with a Mustang
8 where Mr. Broussard was the front passenger and he died at
9 the scene as a result of the accident.

10 Q. What was the nature of your testimony,
11 specifically?

12 A. My testimony was focused on the biomechanics of
13 movement in a collision like that, specifically with a
14 failure of a seatbelt allowing Mr. Broussard to contact the
15 interior of the car.

16 Q. Do you know if that case is still ongoing or is
17 it --

18 A. It's ongoing.

19 Q. Just let me finish the question before you
20 answer.

21 A. Sorry.

22 Q. Do you know if that case is still ongoing or has
23 it been resolved?

24 A. It's ongoing.

25 Q. The second case on your list is Whitton versus

E. J. CHIU

1 River Cats?

2 A. Correct.

3 Q. Where was that lawsuit brought?

4 A. That lawsuit is in the County of Yolo. The River
5 Cats are the baseball team for the Sacramento area.

6 Q. So California?

7 A. Correct.

8 Q. Which part were you testifying for in that case?

9 A. For Mr. Whitten.

10 Q. And he was the plaintiff?

11 A. Correct.

12 Q. What was the nature of that case?

13 A. Mr. Whitten was sitting beneath the strikeout
14 marker at the stadium of the River Cats and they had
15 approximately one-foot square aluminium composite signs
16 they would fly in that had a large K.

17 Q. Do you mean the letter K?

18 A. The letter K. So a sign was dropped from the
19 next level up onto Mr. Whitten's shoulder.

20 Q. What the nature of your testimony in that case?

21 A. My testimony regarded the nature of injuries
22 sustained by Mr. Whitten due to a pointed sign striking his
23 shoulder and whether the injuries to his neck or shoulder
24 were consistent with that trauma.

25 Q. Is that case still ongoing or has it been

E. J. CHIU

1 resolved?

2 A. I think it's ongoing. I'm not positive. I
3 believe it's still ongoing.

4 Q. Starting with the next, Cole versus Rojas,
5 R-O-J-A-S, according to this list that case was brought in
6 California, correct?

7 A. Correct.

8 Q. And you were testifying for an individual named
9 Rojas?

10 A. Correct.

11 Q. Is this a civil suit or a criminal suit?

12 A. Civil.

13 Q. What was the nature of your testimony in that
14 case?

15 A. In this case, Mr. Rojas was a defendant. I was
16 working for the insurance company that represented Mr.
17 Rojas. And Mr. Cole stated that he had certain injuries as
18 a result of getting rear-ended by Mr. Rojas' vehicle. And
19 my position and my opinion on that case was that the nature
20 of the rear-end accident was not sufficient to cause the
21 long-term disability that Mr. Cole has sustained.

22 Q. Is that case still ongoing or has it been
23 resolved?

24 A. I believe it has settled.

25 Q. The next case Bray versus Carlisle, that's also

E. J. CHIU

1 brought in California, correct?

2 A. Hold on, there are two Bray cases. Yes, Mrs.

3 Bray was struck by Carlisle's vehicle and she suffered a
4 ruptured breast implant. And I was asked to testify about
5 the forces and the likelihood that this accident caused her
6 breast implant to leak.

7 Q. And you testified for Mrs. Bray in that case?

8 A. Mrs. Bray.

9 Q. And she was the plaintiff in that case?

10 A. Correct.

11 Q. Is that case still ongoing or has it been
12 resolved?

13 A. That's ongoing.

14 Q. So the next case is Hwang versus CCSF also
15 brought in California, what's the nature of that case?

16 A. I'm going to -- as we get further along, I'm not
17 going to know the exact details. I could look them up for
18 you. But Mr. Hwang was suing the City and County of San
19 Francisco regarding a low-speed accident and injuries.

20 Q. What was the nature of your testimony in that
21 case, if you remember?

22 A. In that case the testimony regarded supporting
23 that there was enough forces sustained to Mr. Hwang's
24 vehicle to result in his injuries.

25 Q. Is that still ongoing or has it been resolved?

E. J. CHIU

1 A. I don't know. I believe it's resolved. I don't
2 know.

3 Q. And you testified for the plaintiff in that case?

4 A. Correct.

5 Q. So the next case on the list is People versus
6 Pool. That's a criminal case, correct?

7 A. Correct.

8 Q. And you testified for the criminal defendant in
9 that case, Pool, correct?

10 A. Correct.

11 Q. And that case was also in California?

12 A. Yes.

13 Q. What was nature of that case, if you remember?

14 A. Mr. Pool was alleged to have assaulted his
15 girlfriend and there were extensive lacerations that the
16 public defender asked me to review in terms of the
17 consistency with blood and injuries sustained by Mr. Pool
18 versus any kinds of sharp objects or anything that he might
19 have had that could have caused these injuries.

20 Q. What was the nature of your testimony?

21 A. The nature of my testimony was that the client's
22 girlfriend had sustained a deep laceration with a large
23 area of degloving on her face that were not consistent with
24 trauma caused by fingers alone.

25 Q. And you were retained by the Sante Clara County

E. J. CHIU

1 Office of the Public Defender in that case?

2 A. Correct.

3 Q. Was that case resolved?

4 A. I believe so.

5 Q. Do you know how?

6 A. I think there was some kind of a split jury and
7 then I don't know ultimately if there was appeals still
8 going on.

9 Q. When you say "split jury," you mean --

10 A. In terms of convicting him say for the domestic
11 violence charges, there was enough question brought in how
12 could this degree of injuries have occurred when he had
13 basically no blood on his hands and no sharp edges to a
14 ring or anything that could have caused some kind of large
15 tissue tear across her face.

16 Q. Did that testimony in that case have anything to
17 do with biomechanics?

18 A. I would say that case was more based upon
19 experience in acute medicine, emergency medicine, and
20 seeing wounds and closing wounds in the emergency
21 department. Unfortunately I've had to see a fair number of
22 domestic violence victims, too. So I would say there were
23 no specific calculations to say biomechanics, no.

24 Q. Why don't we go down to the next case, Nisley
25 versus Stanford Health Care --

E. J. CHIU

1 A. Yes.

2 Q. Also brought in California.

3 And from this Exhibit B, it appears you testified
4 for the defendant in that case?

5 A. Correct.

6 Q. What was the nature of that case?

7 A. Mr. Nisley was riding a motorcycle at relatively
8 high speed and struck another car that drove in front of
9 him, made a left turn, and he flew over the vehicle and was
10 rendered paraplegic. He also had severe internal injuries,
11 including tearing of his aorta. This would be upper
12 thoracic area injuries.

13 The nature of the case was that Mr. Nisley's
14 family felt that Stanford had not noted an unstable
15 thoracic fracture and had potentially worsened his spinal
16 cord injury by not being more observant of spine
17 precautions or things like this.

18 It was a combination lawsuit where in the midst
19 of an acute resuscitation, the patient was initially in the
20 East Bay. In San Francisco we have the East Bay and then
21 the Peninsula. So he was initially brought to a hospital
22 called Eden where they did a trauma workup, they got all
23 these CTs, and found he had an aortic tear.

24 So then he was sent across the Bay to Stanford
25 where they have ability to deal with that kind of injury,

E. J. CHIU

1 but wasn't read on the original CT scan was the fact that
2 there was thoracic injury.

3 Q. You mean an injury to his thoracic spine --

4 A. Correct.

5 Q. Which caused him to be, as you said, paraplegic?

6 A. Paraplegic. So in that case the question for me
7 was, was the injury to his spinal cord part of his initial
8 injury when he came off the motorcycle and landed on his
9 head, neck, shoulders or was any movement that he sustained
10 during the course of being taken care of at Stanford a
11 cause of worsening of his spinal cord injury.

12 Q. What was your opinion, in this case?

13 A. My opinion was -- and this does include
14 biomechanics. I reviewed literature of the nature of
15 forces necessary to cause this type of fracture. Then how
16 much displacement would be required of the vertebra, one
17 relative to the other, in order to cause this nature
18 fracture which involved basically crimping his spinal cord
19 before the vertebral bodies came back to a closer to normal
20 positioning.

21 And it was an extensive review of MRIs and
22 charts, CT scans that lead me to believe that the trauma
23 had happened at the time of his accident. And then he
24 resulted in -- this resulted in edema or swelling, bleeding
25 of the spinal cord which worsened his neurological deficit.

E. J. CHIU

1 That was the course of the original injury and the
2 progression of that that led to his ultimate state of
3 paraplegic.

4 Q. Do you know the outcome of that case?

5 A. Yes, they settled.

6 Q. Moving down to the next one, Garcia versus
7 Capital General Insurance, according to Exhibit B that case
8 was also brought in California, right?

9 A. Correct.

10 Q. According to the exhibit, you testified for the
11 defendant in that case?

12 A. Correct.

13 Q. To the best of your knowledge, what was the
14 nature of that case?

15 A. This was a case of a gentleman, Mr. Garcia, who
16 was alleging chronic lumbar disc injuries and disability
17 after a low-speed rear-end accident. And I was working for
18 Capital General. I believe that was the insurance company
19 for the company he was working for.

20 Q. What was the nature of your testimony in that
21 case?

22 A. That the nature of the forces sustained in that
23 kind of rear-end accident would not have been enough to
24 cause him to have long-term deficits or long-term need for
25 medical care or long-term disability.

E. J. CHIU

1 Q. Do you know whether or not that case was
2 resolved?

3 A. It was an arbitration so I believe they settled
4 on something, but I don't know.

5 Q. Moving down to the next case on the list, People
6 versus Clarkson, it appears from Exhibit B that you
7 testified on behalf of the criminal defendant in that case?

8 A. Correct.

9 Q. What was the nature of that case?

10 A. You know, at this point I can't recall and it
11 looks like I was there twice. So, I would have to look it
12 up. I was defending Mr. Clarkson, helping the public
13 defender, and I just can't remember right now.

14 Q. That's fine.

15 So why don't we do it this way. For the rest of
16 the cases on the list, to your knowledge, did any of them
17 involve quadriplegia?

18 A. There's a couple that were like high-speed motor
19 vehicle and death. It's not quite quadriplegia, but it's
20 one step worse.

21 That's Cortez versus Caltrans on page 2 about
22 halfway down, do you want to know about that case at all.

23 Q. Well, it didn't involve quadriplegia then, right?

24 A. No, no, no.

25 Q. Are there any other cases on the list that

E. J. CHIU

1 involved quadriplegia?

2 A. Jiwani versus Schubbe, which is about six from
3 the bottom. This may have been paraplegia as related to an
4 epidural spinal abscess that was arguably due to a
5 low-speed rear-end accident.

6 Q. But again that involved paraplegia, not
7 quadriplegia?

8 A. Paraplegia, right, okay.

9 Ms. Gilmore, Cindy Gilmore versus Gokcen at the
10 bottom of the page, she was a neck fracture but fortunately
11 not paraplegic or quadriplegic.

12 No, I would say for quadriplegic we would go with
13 Nisley versus Stanford Health.

14 Q. Now, there's one specific case that I want to ask
15 you about before we move away from the exhibit. And that's
16 on the second page, Branscum versus San Ramon Police.

17 A. Yes.

18 Q. In that case you testified for the plaintiff,
19 correct?

20 A. Correct.

21 Q. And that case was a federal case brought in the
22 U.S. District Court for the Northern District of
23 California, correct?

24 A. Correct.

25 Q. What was the nature of that case?

E. J. CHIU

1 A. Mr. Branscum was -- he was at a bar and the
2 police showed up for other reasons and he backed his car
3 into the police car and then took off. And he led the
4 police on a high-speed chase through miles and miles of the
5 East Bay losing one tire, having all the drama of scraping
6 rims and such.

7 When the police finally stopped him after he
8 crashed his van, it was very well-documented on the police
9 cameras that there was a bit of excessive force in
10 restraining him or arresting him.

11 Q. What was the nature of your testimony?

12 A. My testimony regarded the nature of his injuries,
13 mechanism of injuries. He ended up with what's called a
14 pneumothorax where one of the lungs closed down, as well as
15 some injuries to the face and skull from being detained
16 forcefully.

17 Q. What was your opinion in this case?

18 A. That the nature of the police apprehension was a
19 bit aggressive for the situation and resulted in more
20 injuries than were necessary.

21 Q. Do you have any experience in police practices?

22 A. That was partially reviewed in the other experts
23 that they had. For example the attorney had police
24 practice, you know, retired detectives or retired cops
25 speaking about what's appropriate use of force in that. So

E. J. CHIU

1 I don't speak about that. I've heard about it from a
2 different expert.

3 Q. So I guess my question for you is: Is there
4 anything in your background that would allow you to say
5 that the officers in that instance were aggressive or used
6 more force than was necessary?

7 A. Well, I think if you looked at the video, that
8 was the issue. The client Mr. Branscum was face down on
9 the ground, the police picked him up and then beat on him.

10 Q. I guess my question is: Is that a biomechanical
11 or an emergency medical opinion on your part?

12 A. No.

13 Q. So you just opine based on your review of --

14 A. I believe --

15 Q. Hold on, let me finish. You just opine based on
16 your viewing of the video that the force in that case was
17 excessive?

18 MR. WILSON: Objection.

19 A. I don't believe I am an expert in excessive
20 force, per se. That is probably certainly a legal term and
21 something that the police and the attorneys talk about.

22 My point was to document the injuries were a
23 result of a very forceful arrest. And I think the question
24 of excessive force was left to the specialist in that.

25 Q. So did you issue a report in that case?

E. J. CHIU

1 A. I believe so.

2 Q. Did your report say that the force used was
3 excessive or did it not say that?

4 A. I don't recall at this point.

5 Q. And you were deposed in that case as well?

6 A. Yes. I mean, I was deposed. It didn't go to
7 trial, if that's what you mean.

8 Q. Right. And in your deposition in that case, did
9 you testify that the force used by the police officers was
10 excessive?

11 A. At this exact moment I don't recall, because I
12 know we're talking about a pretty fine excessive force of
13 definition and I don't recall.

14 Q. Did you testify at the deposition that the force
15 used was unreasonable?

16 A. I think the issue was -- I could say for certain
17 that all of the injuries sustained were a result of a very
18 aggressive arrest. And we could see in the video blows to
19 the back and blows to the face and none of those existed
20 before the arrest, so I suppose that my role was
21 documenting when his injuries occurred.

22 Q. Based on that, you opine that the force used was
23 aggressive?

24 MR. WILSON: Objection.

25 A. I would say that it was a strong force. You

E. J. CHIU

1 know, I don't believe I was tasked with saying was this
2 excessive. I believe I was tasked more with documenting,
3 looking at the medical records and showing where his
4 injuries came from.

5 Q. Did you offer any view or opinion in this case
6 about the police officer's actions being inappropriate?

7 A. You know, I don't recall. And my hunch is
8 probably not, because things always look better on a
9 slow-motion video then they would have at the real scene.
10 So I think that was left up to the attorney.

11 Q. So you didn't issue that opinion?

12 A. No, no. Just so you are aware, I was involved
13 defending three police officers in People versus Lubrin,
14 Rodriguez, and Farris.

15 Q. So why don't we talk about that case.

16 A. Sure.

17 Q. What was the nature of that case?

18 A. Officers Lubrin, Rodriguez, and Farris were
19 charged basically, with assaulting an inmate in the Santa
20 Clara County prison that resulted in his death.

21 Q. What was the nature of your testimony in that
22 case?

23 A. The nature of my testimony was to review medical
24 records at the scene, examine the actual cell, review
25 autopsy photos, and determine whether there were any points

E. J. CHIU

1 that were consistent with blows from the officers. They,
2 in the prison, only have a little plastic stick they call a
3 URS stick. That's all they have; they don't have any
4 knives or billy clubs.

5 And the question was, were marks on his body
6 consistent with getting kicked, stomped upon, or struck by
7 this one defensive device that they had. And looking at
8 the overall cause of his death which was internal bleeding
9 from a ruptured spleen, I was asked could this have been
10 from something else. We believe it was not actually
11 officers that struck him, but rather in really closely
12 looking at the case there were marks on his back that had
13 an exact angle that correlated with that stainless steel
14 sink toilet device that they have.

15 We believe that he was standing up on the toilet
16 and flipped and struck his posterior ribs and caused his
17 splenic rupture. At least, I say we, the defense.

18 Q. And that was your testimony?

19 A. Correct.

20 Q. Was there any video in that case?

21 A. Of the actual testimony?

22 Q. Of the actual incident.

23 A. Oh, no, there wasn't. The videos in that prison
24 were just in the central areas. There were none of -- if
25 there had been, it probably would have been a lot easier

E. J. CHIU

1 case.

2 Q. What was the outcome of that case?

3 A. The officers were convicted. The case has not
4 been closed in my office because I believe there are
5 appeals.

6 Q. I see from Exhibit B that you testified in one
7 case in 2018, is there any particular reason for that?

8 A. 2018 was slow in terms of my InSciTech work,
9 InSciTech being this consulting work. My predominant
10 occupation is an emergency medicine physician and it's 80
11 to 90 percent of my time. I don't go out and solicit cases
12 for the reconstruction work. A lot of them are internally
13 referred from other people in my company or we have ongoing
14 associations with certain law firms. Say we have a large
15 number of cases that come from a law firm that defends
16 State Farm, there's a large number of those cases. And I
17 just had not found any compelling cases. I've worked on
18 some, but not been deposed. And my emergency medicine work
19 was more important.

20 And last year, I also started studying
21 acupuncture and studied certification for physicians that
22 want to learn acupuncture. So perhaps my extracurricular
23 was spent more on that time.

24 Q. How would you define your area of expertise?

25 MR. WILSON: Objection to the form.

E. J. CHIU

1 Q. So in terms of your expertise would you say it's
2 more emergency medicine than biomechanics, or equal, or
3 otherwise?

4 A. I think it depends on the case, what I'm
5 utilizing more. I've done accident reconstruction with
6 simple car collisions. When they're more complex, multiple
7 vehicles, vehicles flipping over, I have the more advanced
8 engineers in accident reconstruction look at those.

9 I would say from a biomechanics and injury
10 standpoint it's looking at injuries occurred, are they
11 consistent with this description or another description.
12 Are they consistent with the data that we have and then
13 utilizing literature behind that to say we've done tests on
14 bone, we can press this bone so much before it breaks or we
15 know we can bend or extend a disc this much before it
16 breaks. And use those kinds of thresholds and say, well,
17 this force was quite small compared to what it would take
18 to herniate a disc, so then it's very unlikely this disc
19 herniated as a result of this kind of accident. So that's
20 where the scientific background comes over into the
21 biomechanics.

22 Q. In terms of the cases you've worked from a
23 biomechanical standpoint, would you say that most of those
24 are car accident cases?

25 A. Hold on.

E. J. CHIU

1 MR. WILSON: Objection to the form.

2 A. A good number. I don't know if it's most. I'd
3 have to really sort it out for you.

4 Q. What do you think the purpose of your testimony
5 in this case is?

6 MR. WILSON: Objection.

7 A. I was asked to review materials and make
8 calculations, estimations for whether Mr. Lopez more likely
9 fell off of a bridge with a railing or was pushed.

10 Q. How will you help the jury in this case?

11 MR. WILSON: Objection to the form.

12 A. It's a long answer. Do you want me to go from
13 the beginning and tell how I'm looking at the data?

14 Q. No. I mean, how will your opinion help the jury
15 in this case?

16 MR. WILSON: Objection to the form.

17 A. Based on analysis, in reviewing data, looking at
18 literature, my opinion is that Mr. Lopez landed forcefully
19 upon his head causing cervical fracture and neurologic
20 deficit, eventually quadriplegia.

21 Q. Are you finished with your answer?

22 A. No, no, no. I would say the other part of the
23 opinion that's important is that the nature of the injury
24 to Mr. Lopez was not consistent with his jumping or losing
25 his hold on a hand railing in order to flip his body 180

E. J. CHIU

1 Q. I mean for the specific purpose for preparing for
2 today's deposition.

3 A. No.

4 Q. Did you consult with any doctors or scientists to
5 prepare for today's deposition?

6 MR. WILSON: Objection to the form.

7 A. Scientists?

8 Q. Well, let me put it this way: Did you consult
9 with any other doctors to prepare for today's deposition?

10 A. When you use the term "doctors," you mean M.D.s
11 or Ph.D.s?

12 Q. I do.

13 A. I did consult with Dr. Yamaguchi in my office.
14 He has a Ph.D. in physics and has worked in accident
15 reconstruction biomechanics for probably close to 20 years.

16 Q. Can I have Dr. Yamaguchi's first name?

17 A. Wait, I just spaced out. Hold on a minute.

18 Gary.

19 Q. And he also works at InSciTech?

20 A. Correct.

21 Q. What did you talk to him about?

22 A. The question that I asked Dr. Yamaguchi was
23 whether there would be a role for some type of computer
24 modeling. There's a specific one called MADYMO, which is
25 capital M-A-D-Y-M-O, where one can model the physics of a

E. J. CHIU

1 body and apply forces and have it fall, jump.

2 He had particular experience in interesting falls
3 off of a tanker trucks. He had a trampoline case which was
4 interesting. They had someone found dead on a trampoline
5 with a broken neck and they couldn't figure out how did
6 that happen. So using MADYMO in that case, he was able to
7 simulate the physics of the trampoline and have the person
8 jump further and further and further towards the rim and
9 there was a sweet spot where you would jump and flip upside
10 down.

11 So I was asking him, predominately MADYMO is not
12 cheap, whether there would be any utility in trying to do
13 modeling like that.

14 Q. For this particular case?

15 A. Correct.

16 Q. When was consultation?

17 A. Probably late last year. I could look at the
18 invoices to tell you exactly.

19 Q. We're actually going to get to that and I'll you
20 ask questions about that then, but let's close this out
21 first.

22 A. Okay.

23 Q. In preparation for today's deposition
24 specifically, did you consult with any other doctors --

25 A. No.

E. J. CHIU

1 to analyze, if there was any way we could use it to analyze
2 this fall.

3 Q. What was the determination that you and you
4 Dr. Yamaguchi made about using that technology?

5 A. There was not enough information available to be
6 able to use MADYMO. So a computer program that can
7 simulate physics, simulate gravity, simulate human tissue,
8 it has to have definite points. Like you have to say Mr.
9 Smith was standing at this point XY at this height and he
10 landed at this other point, XYZ. And we have to know exact
11 distances, we have to know locations, position of rest.
12 Usually we talk of position of rest in terms of cars, but
13 in this case position of rest of Mr. Lopez's body. And we
14 didn't have any of that.

15 Q. What specific information was missing that
16 allowed you to determine that you could not use this
17 technology?

18 A. Well, specifically there were no photos to show
19 where Mr. Lopez was located after the fall. In particular
20 how far was he from the bridge, at what point on the bridge
21 did the incident begin. And very importantly what was his
22 position of rest, what was the location of his body at the
23 end of this incident. And the witnesses are all over the
24 place.

25 Q. Is there any other information that you would

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1 have needed to use this technology?

2 A. \$20,000.

3 Q. I mean information related to the incident like
4 facts or details about the incident, measurements.

5 A. Well, sure. I mean, if we're going to do a true
6 MADYMO, we're going to want to know what the friction was
7 between his shoes and the ground. So then we're going to
8 need to know was he standing on concrete, was he standing
9 on grass, was he standing on mud; what kind of shoes did he
10 have on. What was weather that day; was it moist, was it
11 dry. So those are just factors that will affect frictional
12 calculations.

13 And then in terms of the fall itself, we don't
14 know the exact point. There is grass, there's dirt,
15 there's a little bit of concrete; what exactly did he land
16 on. Those three elements have very different densities
17 when you land on them, so we would need to know what kind
18 of surface we needed to model. There's one setting for
19 concrete, there's another setting for grass, hard dirt,
20 soft dirt. These are all settings that could be placed in
21 MADYMO.

22 Q. And you didn't have any of that?

23 A. No, did not.

24 Q. Now, I'm sure that you're aware that Mr. Lopez
25 alleges in this case that he was lifted up before he was

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1 pushed over the railing; you are aware of that, right?

2 A. That's what his testimony stated.

3 Q. Why would his shoes or the friction regarding his
4 shoes on the ground matter if that were the case?

5 A. Well, depends whether you want to say for sure
6 that he was lifted and pushed over or could it have been
7 just a shove, because that would have been safely exactly
8 where he landed.

9 Within the context of modeling, that would be
10 something to try. If we have a person standing next to
11 rail, their center of gravity is already higher than the
12 rail. What would it take to just push them and make them
13 fall backward versus lifting and pushing, that's something
14 that MADYMO would be useful to look at.

15 Q. But I guess my question is: Specifically, why
16 would that be important to look at if Mr. Lopez's testimony
17 is both of my feet were lifted off of the ground before I
18 was pushed over the railing?

19 A. Well, as in the case in many analyses, exactly
20 what one witness says may not be correct. There are a
21 number of times when one person says he was face up, he was
22 face down, he was facing feet towards versus feet away. If
23 you're asking me would I do my modeling based solely on one
24 witness' testimony, I would say no. I mean, I would model
25 a push. I would model a lift. I would model hanging from

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1 it and seeing how one's trajectory would be different.

2 Q. But if your final conclusion is that Mr. Lopez's
3 story is more credible or more likely than the officer's
4 story, than why wouldn't you credit Mr. Lopez's entire
5 story?

6 MR. WILSON: Objection to the form.

7 A. Witnesses are, more or less, accurate depending
8 upon what part they're talking about. Could he have been
9 lifted briefly and then pushed, that would be in the
10 differential. I wouldn't -- I don't believe what anybody
11 says unless I can find data to support it or that I have
12 all the witnesses saying they saw the exact same thing. So
13 it would have been part of something to explore if we had
14 more information to put into our expensive computer
15 program.

16 Q. For the purposes of reaching a conclusion, did
17 you assume that -- Mr. Lopez's story that he was lifted
18 fully off the ground before being pushed, did you assume
19 that that was inaccurate?

20 MR. WILSON: Objection to the form.

21 A. I did not assume that that had to be the case. I
22 looked at it specifically from the standpoint of being
23 pushed. One would think if you lifted someone and then
24 pushed them, it would be easier to push them over. I
25 looked at difficulty in just pushing someone.

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1 Q. Do you reach the same conclusion, that his feet
2 were on the ground when he was pushed?

3 MR. WILSON: Objection to the form.

4 A. Yes.

5 Q. And in reaching your conclusion, did you assume
6 that his feet were on the ground when he was pushed?

7 MR. WILSON: Objection to the form.

8 A. The important point is that he was standing with
9 his back towards the park, with his back or buttock on a
10 rail, and then he fell and landed on his head. So to me it
11 was determining what is the mechanism, what kind of force
12 does one need to rotate the body 180 degrees like that.
13 How could that force have occurred, given the varying
14 stories that we have. And his being pushed with or without
15 lifting is the best explanation for landing on his head.

16 Q. Referring back to Exhibit C --

17 A. Which one is C again?

18 Q. It's the invoice.

19 A. Got it.

20 Q. I want to go to the entry that appears
21 underneath, the one we were just talking about.

22 A. Sure.

23 Q. The entry is for November 15, 2018?

24 A. Correct.

25 Q. And that's billed by Dr. Yamaguchi, right?

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1 any particular witnesses' statements. There were too many
2 pieces that weren't fitting. So it was better to go to
3 what I have objectively in the medical records. I have
4 this X-ray and I could see there's this burst fracture. I
5 know it takes a lot of energy, that had to come straight
6 down the spine to cause that.

7 And then I look at the CT scan of the head and I
8 see edema on the back of his head. And there was a mention
9 in the CT scan here of upper frontal scalp edema, which
10 meant there was contact there that was on the initial head
11 CT.

12 So there was some head contact. And there had to
13 be head contact to cause this neck fracture, unless an
14 alien broke his neck on the way down.

15 Q. So the objective evidence says he couldn't have
16 landed on his back?

17 A. Correct, not on the initial impact. Did he land
18 on his head and flop back, I don't know.

19 Q. Can you please look at page 15 of your report?

20 A. Sure.

21 Q. So looking at the top, Doctor, underneath the
22 heading it says "Conclusions," the first paragraph?

23 A. Yes.

24 Q. The end of that paragraph you say, "I have
25 reached the following conclusions and hold each to a

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1 reasonable degree of scientific and biomechanical
2 engineering certainty"?

3 A. Correct.

4 Q. What do you mean when you say "reasonable degree
5 of scientific and biomechanical engineering certainty"?

6 A. I would say based upon the evidence first is the
7 most likely conclusion, but I know they talk about more
8 likely than not. I believe it's the more likely method of
9 injury or mechanism of injury, given the evidence that I
10 have.

11 Q. Is there an agreed-upon definition of that term
12 in the field of biomechanics?

13 A. No. You mean like "reasonable degree," no.

14 Q. Is there any agreed-upon definition of the term
15 in the field of emergency medicine?

16 MS. KUAN: Objection to form.

17 A. Oh, that's completely different.

18 MS. KUAN: I'm also going to object to the
19 prior question.

20 A. May I have whatever question I should answer
21 next? Sorry.

22 Q. Is there an agreed-upon definition of the term
23 "reasonable degree" in the field of emergency medicine?

24 MS. KUAN: Objection to form.

25 A. There's reasonable -- I don't know if I would use

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1 the term "degree." Say in malpractice there's something
2 bad has happened and they want to know did the doctor miss
3 something, so then they talk about what is reasonable
4 practice, you know, that ordinarily a doctor should see
5 this and order this and do this.

6 So with malpractice we're acting outside of
7 what's reasonable practice, but I don't know if we talk
8 about a reasonable degree per se in emergency medicine.

9 Q. Doctor, but you used this term so I'm just
10 wondering what you meant when you used this term,
11 "reasonable degree of scientific and biomechanical
12 engineering certainty." What did you mean when you wrote
13 that?

14 A. Well, that wasn't medicine. Scientific -- well,
15 medicine is scientific in some ways, but much of medicine
16 is very anecdotal. So what I mean "scientific," I'm
17 putting my engineer hat on and I'm making calculations and
18 I'm saying based upon what we have applying science,
19 physics, Newton's Laws, I'm reasonably certain that these
20 conclusions are true.

21 Q. If I understand you correctly, there's no
22 authority that sets the definition of that term as you used
23 it?

24 A. "Reasonable degree," no.

25 Q. And I think you said earlier, in your mind it's

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1 A. Backward.

2 Q. -- backward than with him jumping over the
3 railing and then falling after hanging from the railing or
4 vegetation, right?

5 A. Correct.

6 Q. What other scenarios did you consider?

7 A. Well, there were different accounts. I believe
8 Officer Linares said he kind of swung his legs over, almost
9 kind of imagine doing one of those horse vaults, didn't
10 know which way, and then disappeared. So I thought okay,
11 we're going to swing our legs over feet-first, is there a
12 way we end up on our head. That didn't work out. It's
13 going to be a feet-first fall.

14 Q. Where is that reflected in your report, Doctor?

15 A. The -- I couldn't give you every single way that
16 someone could fall. I mean, if you want we could spend
17 some time, I could tell you all the things I considered.
18 But these were the ones that were the major question,
19 because the question is did he get pushed or did he just
20 fall or slip.

21 Q. I think the question is a little bit more
22 specific than that. This is written because it's not just
23 did he get pushed over the railing backwards versus did he
24 fall; it's did he get pushed over the railing backwards
25 versus did he fall after hanging from branches. Those

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1 appear to be the two scenarios that you were determining
2 which one was more likely than not, right?

3 A. Right. And Linares' -- correct me if I'm wrong,
4 but I believe Linares who was the closest said he was
5 hanging. That is why I went with the hanging.

6 Q. And you credited that, right?

7 A. Somewhere possibly. Hold on.

8 Q. That was part of the scenario that you were
9 operating under, right?

10 A. Correct.

11 Q. And you determined that Mr. Lopez's scenario was
12 more likely than Officer Linares' scenario, right? That's
13 all I'm getting at.

14 A. That's correct.

15 Q. And you said you considered other scenarios. So
16 my question for you is: Why aren't those other scenarios
17 reflected in this report?

18 A. Because there wasn't testimony or evidence to
19 support that. Most important were the individuals that
20 actually saw what happened. And Officer Linares was the
21 closest and Mr. Lopez was of course the subject.

22 You could speculate all different ways how you
23 could end up on one's head, just trying to think and see
24 are any of these consistent with what witnesses said or
25 evidence that we found, and I tried to stick with what had

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1 A. Bending forward. And there are compression
2 fractures that are solely what they call anterior wedge
3 compression fractures.

4 Q. In order for Mr. Lopez to sustain that particular
5 injury, is it necessary that his head was bent forward?

6 A. As part of the landing, yes. So he would have
7 started and then started bending, so he might have started
8 to impact on the top and then bend forward in order to
9 compress the interior parts of the vertebra.

10 Q. So this injury could not have occurred without
11 flexion?

12 MS. KUAN: Objection.

13 A. That is usually the case and that's what the
14 literature says. I believe that's true.

15 Q. Are you aware of any tests or literature that
16 look at angular momentum or velocity in this exact type of
17 situation, a person falling from a height or being pushed
18 from a height?

19 A. Specifically to address angular momentum, I think
20 the most interesting literature is to look at diving
21 literature because in diving literature you have a person
22 facing forward and then they're flipped and they're 180
23 degrees facing the other way when they go into the water.
24 And they're doing that solely based upon the friction
25 between the diving board and force that they're applying to

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1 their body.

2 But any force that they apply to cause rotation
3 has to happen before they leave the board. So once they're
4 spinning already in air, they can't add any more force.
5 They can make themselves spin faster or slower by pulling
6 in like ice skaters do, by changing their density and
7 making their mass more compact, but they cannot add any
8 external energy once they left the diving board.

9 Q. But in the situation described by Mr. Lopez there
10 is an external force, it's Officer Linares, right?

11 A. Presumably, yes.

12 Q. Well, that's what he says happened to him, right?

13 A. That's what he says happened to him.

14 Q. He says that he was pushed by officer Linares,
15 right?

16 A. Correct.

17 Q. So I guess my question for you is: Are you aware
18 of any literature or tests that focus on that type of
19 situation, where a person is pushed by someone else and not
20 just using their own force or friction to make themselves
21 rotate forward?

22 A. Let me think. I think a literature like that
23 would be anecdotal, because people are not going to allow
24 themselves to just get pushed off of something.

25 And then the other issue is that there is no

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1 crash dummy or ATD, anthropometric test dummy, that could
2 simulate because those things don't move. So you could
3 throw something off of a height, but it wouldn't have any
4 muscle tone. It wouldn't bend at the spine, head, and
5 neck. So I am not aware of studies of pushing people off
6 of a high object to see how they fall.

7 Q. And you're not aware of any literature to that
8 effect either?

9 A. The literature that I'm aware of was mentioned in
10 terms of -- there's a fun study out of Florida where the
11 students that would visit this particular area and trauma
12 center would be often intoxicated. So they did a study to
13 decide, looking at the injuries could they tell if the
14 person like jumped intentionally or did they fall and what
15 kinds of injuries did they incur -- were found more
16 predominately in one versus the other. It also affects
17 sometimes if they're trying to decide whether someone
18 committed suicide or that they fell.

19 Q. Right. But that literature or that study
20 specifically didn't address a person being pushed, right?

21 A. No, it didn't address being pushed.

22 Q. So, as far as you can tell, you're not aware of
23 any literature that addresses a situation where a person is
24 pushed?

25 A. I am not aware. I would love to read it, though.

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1 Linares said he didn't lift him at all. Linares said he
2 wasn't even there.

3 Q. And you chose, based on the evidence, Mr. Lopez's
4 version was more likely than not, right?

5 A. Mr. Lopez's version that something happened
6 between him and somebody else pushing him over the railing,
7 yes. But details within there, I'm going to go by what I
8 can physically see and measure.

9 Q. And you couldn't measure how far off the ground
10 Mr. Lopez was lifted by Mr. Linares?

11 A. You mean if he was lifted, even though Linares
12 says he wasn't there?

13 Q. I'm really focusing on Mr. Lopez's version right
14 now, which is the version you said is more likely than not,
15 and in his version he says that he was lifted.

16 A. Okay.

17 Q. So I'm saying: Based on Mr. Lopez's testimony
18 you couldn't determine how far he was lifted off the
19 ground, right?

20 A. No, and it wasn't relevant.

21 Q. But why is it not relevant?

22 A. Because he could have pushed him without lifting
23 him and had the same result or he could have lifted him up
24 and he'd come back down and then pushed him and have the
25 same result.

E. J. CHIU

1 Q. I understand that, Dr. Chiu, but no one says --
2 no one says that Mr. Lopez was pushed while standing --

3 MS. KUAN: Objection.

4 Q. Not Mr. Lopez and not Mr. Linares.

5 Mr. Lopez says he was lifted up. So why did you
6 make your calculation based on him standing when no one
7 says that he was standing?

8 A. Because that's the harder position to push
9 someone from. We try to be conservative and look at the
10 more difficult thing to do.

11 In engineering, when we make calculations there
12 are always estimates and we try to be conservative with
13 ranges of delta-v of vehicle crashes.

14 So if I wanted to make it seem really easy I
15 could say, oh, Linares was definitely lifted and thrown
16 over the wall, but I don't have evidence necessarily to
17 support that. I'm saying he could have just been pushed,
18 he could have accidentally pushed backward over the wall and
19 that's how he ended up on his head.

20 If you want to lift him, Linares is a strong guy,
21 we could say, okay, he lifted him. But he doesn't have to.

22 Q. Do you know whether it was even possible for
23 Officer Linares lift Mr. Lopez?

24 MS. KUAN: Objection.

25 A. No, I don't.

E. J. CHIU

1 Q. Do you know how strong he is?

2 A. I've never met Mr. Linares. I don't know if he
3 works out at a gym. Let's see, 70 kilos. Some guys can
4 lift 200 pounds. I know I can lift a 200-pound patient
5 briefly, an inch or two. So I would guess that an officer
6 that's in good shape, especially with a lot of adrenaline
7 running around in his system, could lift someone an inch.

8 Q. But you don't know either way, right?

9 A. No, I didn't consider it necessary for his
10 injury.

11 Q. Do you know where Officer Linares' hands were
12 situated on Mr. Lopez's body when he allegedly lifted him
13 up?

14 A. Are you talking about Linares or are you talking
15 about according to Lopez? Because Linares wasn't there,
16 according to his version.

17 Q. Again, we're still with Mr. Lopez's version of
18 events.

19 A. I believe Mr. Lopez said something about grabbing
20 the front of his jacket. I could look up the exact thing,
21 if you want me to.

22 Q. Do you know how much force Officer Linares used
23 when he pushed Mr. Lopez over the fence?

24 A. No.

25 Q. Would that affect your calculation in any way?

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1 A. I thought about is there a way to calculate how
2 much that would take. And it's extremely complicated
3 because we don't know if there was a lift, we don't know if
4 his feet were on the ground, we don't know the friction, we
5 don't know about the friction between him, the back of his
6 clothes, and the railing. We don't know whether Mr. Lopez
7 had a very stiff body when he got pushed or was he more
8 limp. There is so many variables that can't be calculated.

9 I thought about trying to calculate. The best I
10 could come up with is so if I took a two-by-four and I
11 flipped it over a rail, how much force would I have to give
12 it to get to 180 degrees? But then that totally depends on
13 how much is it digging into the ground, how high am I
14 hitting this. There are too many variables. You could be
15 off by a factor of 10 to 20 even trying to estimate.

16 Q. Is there a force that Officer Linares could have
17 used that would have gotten him past Mr. Lopez, past 180
18 degrees?

19 MS. KUAN: Objection.

20 A. I'm sorry, say it again.

21 Q. In other words if Officer Linares pushed Mr.
22 Lopez with sufficient force, is it possible that his body
23 could have rotated past 180 degrees?

24 MS. KUAN: Objection.

25 A. It would be a lot of speculation and it would

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1 depend on whether when Mr. Lopez fell, whether he tried to
2 keep his body straight, whether he was limp, if he is bent
3 in the middle. There are way too many variables to know.
4 We know that a diver can leap off a board and spin multiple
5 times. That's much more than 180, so it's physically
6 possible. Could Linares -- I could make some rough
7 calculations, but they would be very rough and it would not
8 be able to tell you for certain.

9 Q. Does cocaine make a person's body stiff?

10 MS. KUAN: Objection.

11 A. It would depend on the individual. If it was a
12 cocaine overdose and they were, you know, intubated in ICU
13 and their muscles were really tight, it could make them
14 stiffer. But just being high on cocaine, I don't think
15 there are any studies that talk about increase muscle tone.

16 Q. What about heroin, would it make his body limp?

17 A. Heroin? If someone were acutely intoxicated with
18 heroin, it's a depressant. It could lead to less muscle
19 tone, that's why we stop breathing. Theoretically a high
20 dose of heroin, someone could be limp or falling down.

21 Q. And same question for methadone, would it make a
22 person's body limp?

23 A. That's an interesting question. Methadone
24 depends on the individual. It depends how long they've
25 been on a current dose and whether they're supplementing

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1 their prescribed methadone dose with any street Valium,
2 street heroin, whatever.

3 The common methadone clinic that people go to,
4 they have to show up, they call it a juice bar. They show
5 up every morning usually and they get a little cup that's
6 allotted out of their number of milligrams of methadone,
7 it's a liquid. That's how they could control the patients.
8 It's also available in tablet form but not for opium, at
9 least in California. And I believe in this country, not
10 for maintenance of opium withdrawal. People have to go to
11 a juice bar.

12 So patients that I have seen that have been on
13 long-term methadone, I've seen them in the evening
14 sometimes and they are, what I call, like, nodding off.
15 But these are often like homeless people, too. They're not
16 limp, nodding off. And I'll say hey, you know, you're
17 complaining of chest pain, you're sound asleep and they'll
18 wake up, I'm not asleep.

19 So there's a range of what happens in an
20 individual. If it was a brand-new methadone dose for a
21 person, possibly it could make them limp. But if someone
22 had been on 100 or 200 every single day for more than a
23 month, it should be a pretty steady state and they're not
24 supposed to have those kinds of effects.

25 Q. So getting back to your conclusions, Doctor, you

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1 determined that Mr. Lopez's body rotated 180 degrees?

2 A. Correct.

3 Q. And he landed on his head?

4 A. On his head.

5 Q. Is that the determination that you started with
6 in reaching your conclusions?

7 A. What do you mean?

8 Q. Did you start from that premise and then work
9 your way backward?

10 MS. KUAN: Objection.

11 A. No. You mean the premise of him rotating 180
12 degrees?

13 Q. Correct.

14 A. No. No, I did not.

15 Q. But you started from the premise that he had to
16 land on his head?

17 A. Correct, to cause the injuries.

18 Q. And which, we discussed earlier, means that his
19 spine didn't necessarily have to be 90 degrees to the
20 ground; it could have had the range that we talked about
21 earlier between 5 and 7 o'clock?

22 A. Right, I believe 170, 190, you know, in terms of
23 his flipping over.

24 Q. Did your calculations allow for Officer Linares
25 using more force than was necessary to produce Mr. Lopez's

E. J. CHIU

1 Q. Why don't we do it this way: Can you turn to
2 page 13 of the report?

3 A. Sure.

4 Q. I am referring to the second paragraph from the
5 bottom.

6 A. Yes.

7 Q. The last sentence. "Under the scenario described
8 by Mr. Lopez, the total height of his fall was
9 approximately 14 feet. The kinetic energy at impact was
10 2,676 foot-pounds. And the speed of impact was,
11 approximately, 20 miles per hour."

12 A. Correct.

13 Q. So based on Mr. Lopez's version of events that
14 was the kinetic energy at impact, 2,676 foot-pounds?

15 A. That's fair. But it doesn't have to be Mr.
16 Lopez's scenario; it's just based on measurements.

17 Q. And that combination of energy and speed is
18 enough to break a person's neck?

19 A. Yes, it is.

20 Q. You also calculated the kinetic energy that Mr.
21 Lopez's impact with the ground based on Officer's Linares'
22 version of events, right?

23 A. This would be dangling from a rail.

24 Q. Correct.

25 A. Correct.

E. J. CHIU

1 Q. How many times did you visit the site of the
2 incident?

3 A. Just once.

4 Q. When you were there you said you took photos of
5 the site, correct?

6 A. Correct.

7 Q. Did you examine the ground where Mr. Lopez
8 landed?

9 A. Yes, I did.

10 Q. Did you go down to the ground where he was, where
11 he landed?

12 A. Yes, it was nice and soggy and muddy that day.

13 Q. Do you know -- but you visited in December of
14 2018, right?

15 A. Yes.

16 Q. And this incident occurred in December of 2015,
17 right?

18 A. Correct.

19 Q. Was the ground where Mr. Lopez landed flat?

20 A. Not flat like a perfect plain. There was dirt,
21 there were roots. I used what's called an inclinometer
22 where it gives you the angle of the dirt at a given point
23 and measured it at several points. It got down to maybe 5
24 degrees. It was higher as one climbed up the slope more
25 towards the Crotona North buildings.

E. J. CHIU

1 Q. Are those calculations included in your report?

2 A. Those are not calculations. They're measurements
3 that are on my pictures.

4 Q. Are those measurements included in your report?

5 A. No.

6 Q. Did those measurements affect your calculations
7 in any way?

8 A. No.

9 Q. Isn't it important whether or not he landed on a
10 flat surface or a sloped surface?

11 A. It depends how high of a slope you would mean.
12 If he landed on a 45-degree slope, certainly yes. But
13 something as shallow as 5 to 7 degrees with dirt and mixed
14 concrete, we don't even know the exact impact point. There
15 was no way to know. This is where if we could MADYMO we
16 would want to know exactly the point, what was the
17 material. And we just don't have it.

18 MS. KUAN: Let's take a quick break.

19 THE WITNESS: Yes.

20 (Whereupon, a brief recess was taken.)

21 Q. Doctor, we are back from the break. Would you
22 like to change any of your answers you've given up to this
23 point?

24 A. We were talking about cervical spine potential
25 for injury. And I just wanted to clarify a couple of

E. J. CHIU

1 Q. -- and ask you whether or not they contributed to
2 your conclusion in any way.

3 A. Okay.

4 Q. So looking at the summary of the hearing of
5 Officer Luis Linares, did your review of that material
6 affect your conclusion in any way?

7 A. Hold on, just a minute. Let me double-check.

8 You know, I'm not positive when I have this
9 testimony section if it was their summary of hearing or
10 whether it was their actual depo. For example there is a
11 summary hearing of Luis Linares and summary hearing, but my
12 sense is probably no and the depositions were where these
13 quotations were from.

14 So to get back to your question, that would be no
15 on bullet point 1 and bullet point 2.

16 Q. So getting to bullet point 2, the summary of Luis
17 Angeles' hearing didn't affect your conclusion in any way?

18 A. With the caveat -- I have to clarify. I don't
19 know for certain which part I quoted out of a hearing
20 versus his testimony. I just took it as the same source.
21 So it could have been, because wherever I quoted I was
22 obviously referring to something he said.

23 Q. But in terms of your ultimate conclusion you
24 credited Mr. Lopez's version rather than Officer Linares'
25 version, correct?

E. J. CHIU

1 A. I don't know that anybody is a hundred percent
2 correct. I'm just trying to look at the injuries based on
3 location and see how he ended up on his head. So as a
4 whole, it tends to correlate more with what Mr. Lopez said
5 than Mr. Linares.

6 Q. The same for Officer Angeles, it tends to --

7 A. Hold on, let me just see what Angeles said.

13 Q. So it was neutral?

14 A. Neutral.

15 Q. And your review of the deposition of the Luis
16 Linares, did that affect your conclusion in any way?

17 A. I scrutinized his description to attempt to have
18 Mr. Lopez fall the way he described and that didn't match
19 up with my ultimate conclusion. So I would say I looked at
20 it very closely to have this as an alternative, but it
21 didn't ultimately meet what I found the mechanism of his
22 spine injury was.

23 Q. And your review of plaintiff's deposition, Mr.
24 Lopez, that correlated with what you thought was the
25 mechanism of injury, right?